

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD  
East Rock Tank Pipeline Construction, EA NM-060-2003-0142

FINDING OF NO SIGNIFICANT IMPACT: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined the proposed action is not expected to have significant impacts on the environment and that preparation of an Environmental Impact Statement is not warranted.

DECISION: It is my decision to authorize the construction of the water pipeline and placement of two troughs to provide adequate water supply on Allotment #64026, Rock Tank Canyon Ranch. Total pipe to be installed is 2.4 miles of pipeline that will be placed on public land to insure water supply and availability of water.

Location of the pipeline is as follows:

**East Rock Tank Pipeline    T. 8 S., R. 22 E., Sec. 7 & 18**

All in Chaves County, New Mexico, New Mexico Principle Meridian. (Please refer to the map in the Environmental Assessment.)

Actual construction of the pipeline will be done by the BLM, via an 8100 contract. Pipeline construction is normally accomplished during the summer months, June through September. The surface protection procedures set forth in the proposed action have been incorporated into the Environmental Assessment. Any comments made to this proposed action were considered and addressed.

Rationale for Recommendations: The decision to authorize the proposed action does not result in any undue or unnecessary environmental degradation. The action is consistent with planned actions presented in the Roswell Resource Management Plan, Oct, 1997.

In accordance with 43 Code of Federal Regulations, Part 4100, Sec 4160.2, any applicant, permittee, lessee or other affected interests may protest this proposed decision in person or in writing to the authorized officer, within 15 days after receipt of this decision. Please be specific in your points of protest.

In the absence of a protest, this proposed decision will become the final decision without further notice. Any person who is adversely affected by a final decision of the authorized officer may file a written appeal to the Final Decision for the purpose of a hearing before an administrative law judge under 43 CFR 4.470. A period of 30 days after the decision becomes final is provided in which to file an appeal and a petition for stay of the decision in this office (43 CFR '4160.3 [c] and '4160.4).

/s/T. R. Kreager

3/5/04

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T. R. Kreager, Assistant Field Office Manager, Resources

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Date

Environmental Analysis  
East Rock Tank Pipeline Construction  
NM-060-2003-0142  
Allotment #64026  
Bureau of Land Management  
Roswell Field Office  
Roswell, New Mexico  
July 8, 2003

Location:  
T. 8 S., R. 21 E., Section 12  
T. 8 S., R. 22 E. Sections 7 & 18,  
Chaves County, New Mexico  
**New Mexico Principal Meridian**

## I. INTRODUCTION

### Need For the Proposed Action

The need for the proposed action is to provide permanent water for livestock and wildlife within the Rock Tank Pasture of Allotment 64026. The new length of pipeline would supply water to two new troughs, one would be adjacent to an existing dirt tank, to make water more reliable at this location. The other trough would be located in the southeast corner of the pasture. This pipeline would extend from an existing pipeline from Clear Water Well, located in Clear Water Pasture north of Rock Tank Pasture supplying water to two existing troughs.

Water developments facilitate the handling of and caring for livestock. The location of water developments on rangeland is important in controlling the movement, distribution, and concentrations of livestock. Reliable water supply would lessen the distance wildlife and livestock have to travel between forage and available water.

Conformance with Land Use Plans: The proposed activity is addressed as part of the Roswell Resource Management Plan (October, 1997).

Relationship to Statutes, Regulations, or Other Plans: The construction of pipelines as range improvements, either under Cooperative Agreement or Range Improvement Application is addressed under the 43 Code of Federal Regulations, Parts 4100, Grazing Administration, Exclusive of Alaska., Subpart 4120.3

Other Statutes, Regulations or Plans are:

The Taylor Grazing Act of 1934, as amended (43 U.S.C. 315 (a)-(®))  
The Federal Land Policy and Management Act of 1976, as amended (Pub. L. 94-579, 43 U.S.C. 1702 et seq), Sections 302 (a) & (b), Section 502 (a) & (c)  
The Public Rangelands Improvement Act of 1978, as amended (Pub. L. 95-514, 43 U.S.C. 1901 et seq),  
The National Environmental Policy Act of 1969, as amended (Pub. L., 91-190, 42 U.S.C. 4321-4347) Sec. 101

## II. PROPOSED ACTION AND ALTERNATIVES

### A. Proposed Action

The proposed action is the construction of a buried water pipeline (approximately 2.4 miles of 1 ¼", 200 psi pipeline on public land) and installation of two drinking troughs within the pasture in order to provide consistent and reliable water distribution.

The pipeline would be installed using the standard BLM construction methods.

The location of the proposed pipeline is in T. 8 S., R. 22 E., Sections 7 & 18, Lincoln County, New Mexico Principal Meridian.

The pipeline would be located on public surface and would be constructed under a Cooperative Range Improvement Agreement. The allottee would be responsible for supplying and installing the two troughs on public land. (See attached Map)

Standard measures that would be included in the authorization for these projects are:

No blading would occur on public land, unless authorized by the Authorized Officer.

Water would be provided yearlong to all drinking troughs located on public land for wildlife purposes, when livestock are not in the pasture. Wildlife escape ladders would be installed in all drinkers.

Livestock drinking troughs would not exceed 18" in height.

The cooperator shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the co-operator. The co-operator shall take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.

Vegetation, soil, and rocks left as a result of construction or maintenance activity shall be randomly scattered over the project area and shall not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. A berm shall be left over the ditch line to allow for settling back to grade.

The co-operator shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this authorization.

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery would be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures would be made by the Authorized Officer after consulting with the co-operator/contractor.

The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.

The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations may pass over, under, or through the range improvement authorized by the Permit/Agreement. Appropriate stipulations by the BLM to other users would protect the stability and purpose of this improvement.

## Alternatives

### 1. No Action - Alternative 1

This alternative would leave the water supply as is. By not constructing the pipeline, the water supply to the east side of the pasture would remain unreliable, only available after rain events. Construction of the pipeline and establishment of the two troughs on the east side of the pasture would allow the allottee to move livestock from one side of the pasture to the other, reducing constant impact on the west side of the pasture.

### 2. Locate Elsewhere - Alternative 2

This alternative would re-route the entire proposed pipeline or major portions of it. The alternatives would: a. add length to the pipeline as well as increasing the amount of surface disturbance; b. would cause more impact to the affected resources on the alternate route or c. would not be economical to install, maintain or use.

This alternative will not be given further consideration in this report; fewer environmental impacts would result from the action as proposed.

## III. AFFECTED ENVIRONMENT

### General Setting

The affected environment of the area is generally discussed in the Roswell Resource Management Plan (Oct. 1997). Only those resources actually impacted by the proposed action will be addressed in this document.

The proposed pipeline, storage and drinkers are to be located on the Rock Tank Canyon Allotment #64026. The Rock Tank Canyon allotment is located approximately 15 miles northwest of Roswell, lying west of Highway 285, and north of the Pine Lodge Road, Highway, NM 246.

The major regional industries are ranching, and recreation, as well as seasonal hunting.

### Affected Resources

The critical elements of ACEC's, Air Quality, Prime or Unique Farmlands, Floodplains, Native American Religious Concerns, Hazardous or Solid Wastes, Water Quality, Wetland and Riparian Zones, Wild and Scenic Rivers, Low Income/Minority Populations and Wilderness will not be affected. A cultural clearance was completed for the pipeline on July 17, 2003 - no artifacts or other cultural sites were found.

**Soils:** The project area for the East Rock Tank Pipeline includes the Ector very cobbly loam, 3 to 15% slopes. These soils are found on uplands. Slopes are 3 to 15 percent. The Ector soil is shallow and well drained. Permeability is moderate, with an effective rooting depth of 7 to 20 inches or more. Available water capacity is very low, runoff is rapid and the hazard of water erosion is high. The hazard of soil blowing is slight.

**Vegetation:** The pipeline area predominately fits the Very Shallow CP-4 Range Site descriptions. The vegetation for these sites at climax (potential) are mainly grasses such as blue grama, black grama and sideoats with some tridens and dropseeds. The shrub component includes catclaw mimosa, yucca, sacahuista, and sotol, while forbs such as buckwheat, prickleaf dogweed and croton occur.

**Invasive, Non-Native Species:** There are currently no known Non-native, Invasive species in the immediate area of the proposed pipeline construction area.

Infestations of noxious weeds can have a disastrous impact on biodiversity and natural ecosystems. Noxious weeds affect native plant species by out-competing native vegetation for light, water and soil nutrients. Noxious weeds cause estimated losses to producers \$2 to \$3 billion annually. These losses are attributed to: (1) Decreased quality of agricultural products due to high levels of competition from noxious weeds; (2) decreased quantity of agricultural products due to noxious weed infestations; and (3) costs to control and/or prevent the noxious weeds.

Further, noxious weeds can negatively affect livestock and dairy producers by making forage either unpalatable or toxic to livestock, thus decreasing livestock productivity and potentially increasing producers' feed costs and animal health care costs. Increased costs to operators are eventually borne by consumers.

Noxious weeds also affect recreational uses, and reduces realty values of both the directly influenced properties and adjacent properties.

Recent federal legislation has been enacted requiring state and county agencies to implement noxious weed control programs. Monies would be made available for these activities from the federal government, generated from the federal tax base. Therefore, all citizens and tax payers of the United States are directly affected when noxious weed control prevention is not exercised.

**Visual:** The proposed route for the pipeline is contained in a designated Class IV Visual Resource Class area. The objective of this class is to provide for management activities which require major modifications of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt would be made to minimize their impact of these activities through careful location, minimal disturbance, and repeating the basic elements of line form and color.

**Cave/Karst:** This project is located within the *High Karst (cave) Potential Area*. A complete significant cave or karst inventory has not been completed for the public lands located in this grazing allotment. No significant caves or karst features have been identified within this area.

**Recreation:** Recreational pursuits are considered to be either facility-based or dispersed. The Roswell Field Office Area offers opportunities in both categories. Dispersed recreation occurs throughout the approximately 1.5 million surface acres of public land in the Resource Area. Recreational activities in the proposed action area is dispersed; the allotment has no facility-based recreational activities. Recreational activities are primarily hunting, caving and off highway vehicle use. Hunting is the most popular outdoor sport on public lands in southeast New Mexico. Hunting for big game, waterfowl, and upland birds is estimated to provide in excess of 267,122 visitor hours each year.

Legal and physical Access to public lands located in this allotment are through state lands and county maintained roads. Off highway vehicle designation for public lands within this allotment are classified as “Limited” to existing roads and trails. The majority of public lands in this allotment can only be accessed by foot (hiking, or walking).

**Wildlife:** The project area provide habitat for desert mule deer, pronghorn antelope, scaled quail, mourning dove, raptor species, and various non-game species.

**Threatened or Endangered Species:** There is no known threatened or endangered plant or animal species on Allotment 64026. A list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2). There are no designated critical habitat areas within this allotment.

**Oil and Gas:** A oil and gas lease exists for this area under NM105193, and is held jointly by Abo Petroleum, Yates Drilling Co. and Yates Petroleum Corp, all of 105 South 4<sup>th</sup> St, Artesia, NM and Myco Industries Inc. of P.O. Box 840 Artesia, NM 88212-0840

#### IV. ENVIRONMENTAL IMPACTS

##### Impacts of the Proposed Action

The impacts from the proposed action would be made during the construction of the pipeline. Short-term negative impacts would include: vegetation disturbance would be localized to the immediate area of the project. Vegetation would be destroyed where the trench runs, but the disturbed area would naturally re-vegetate within two growing seasons with adequate precipitation. Approximately 18.2 acres of vegetation would be subject to disturbance during the construction of the pipeline, (based on the estimate of 3 miles \* 50 ft. width). Positive long-term impacts would include: vegetation would benefit from this project due to the reduced amount of stress caused by foraging animals. This would lower utilization levels around the current yearlong available water sources

Impacts from the proposed construction activity may cause temporary disruption of wildlife activity within the immediate vicinity of the project area during construction. . Development of water locations on the east side of the pasture would allow additional sources of water for wildlife use at one trough and making water more reliable at the second, as its location is adjacent to a dirt tank. There is sufficient wildlife habitat in the surrounding areas that would minimize the impacts to wildlife. As water would become either additionally available or more reliable, wildlife could potentially benefit



No change in AUMs would result.

Soil Disturbance would be localized to the immediate area of the project.

Visual impacts by the pipeline as proposed would be kept at a minimum by designing the lay of the pipeline along topographic lines as much as possible. Other visual impacts would be minimized as long as the standards are adhered to.

The construction of the pipeline may unintentionally contribute to the establishment and spread of noxious weeds. Noxious weed seeds could be carried onto the project areas by construction equipment and transport vehicles. The main mechanism for seed dispersion on the roads is by equipment and vehicles that were previously used and or driven across or through noxious weed infested areas. The potential for the dissemination of invasive and noxious weed seeds may be elevated by the use of construction equipment typically contracted out to companies that may be from other geographic areas in the region. Washing and decontaminating the equipment prior to transporting the equipment onto the construction areas would minimize this impact.

Impacts by noxious weeds would be minimized due to requirements for the company to eradicate the weeds upon discovery. Multiple applications may be required to effectively control the identified populations.

### ***Impacts of the Alternatives***

Under the No Action alternative the pipeline would not be constructed and the associated impacts of construction would not occur.

### **Mitigation Measures and Residual Impacts**

**Mitigating Measures:** No additional mitigating measures would be needed if the standard operating procedures and design features previously discussed are adhered to.

**Residual Impacts:** Implementation of the proposed action or of the alternative of a different location would have the same potential for unavoidable temporary adverse environmental impacts.

**Cumulative Impacts:** The results of the proposed action would not substantially change the plant and animal communities of the project area, however, decreasing the utilization levels near the existing water locations should aide in attaining increased plant vigor. The proposed action would result in beneficial effects to the soil and animal life. Beneficial effects to the soil resource would appear in reduced soil compaction in areas of little slope. Livestock would benefit also by the more even distribution of water availability. Wildlife, such as bird species, would benefit by having additional water sources. The construction of the project as



proposed would not affect the environment as a whole, but would be site specific in its effect. While as much as 18.2 acres of vegetation would be initially affected, this can be mitigated by allowing the site to naturally re-vegetate with receipt of normal precipitation. Therefore, the cumulative impact would not be significant when compared to existing disturbances created by heavy utilization of forage near existing water locations.

## V. PERSONS OR AGENCIES CONSULTED

The following are people who have been consulted for their comments in regards to the proposed action in addition to the resource area specialists. The comments and suggestions expressed during the consultation have been incorporated into this EA.

Aubrey, Jr. & Robin Dunn, allottees of Allotment #64026

Prepared by:

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Helen C.J. Miller, Rangeland Management Specialist

Date

## STIPULATIONS

1. No blading will occur on public land, unless authorized by the Roswell Resource Area Manager.
2. Water will be provided yearlong to all drinking tubs located on public land, for wildlife purposes, when livestock are not in the pasture. Wildlife escape ladders will be installed in all drinkers.
3. Livestock drinking tubs will not exceed 18" in height.
4. The co-operator/contractor shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the co-operator/contractor. The co-operator/contractor shall take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.
5. Vegetation, soil, and rocks left as a result of construction or maintenance activity shall be randomly scattered over the project area and shall not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. A berm shall be left over the ditch line to allow for settling back to grade.
6. The co-operator/contractor shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this authorization.

7. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator/contractor's behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the co-operator/contractor.

8. The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.

9. The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

10. The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations.